

FILED 10 DEC 22 10:18 USDC-OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ERIC RISE,

Petitioner,

Civ. No. 09-893-CL

v.

OPINION AND ORDER

RICK COURSEY,

Respondent.

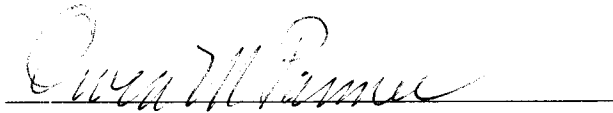
PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation ("R and R") [#29], and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). One day prior to the R and R, petitioner filed Petitioner's Response To Respondent's Response to Petition For Writ Of Habeas Corpus [#26]. I construe petitioner's response, as well as the amended response [#28] as objections to the R and R. Accordingly, I have reviewed the file of this case *de novo*. See 28 U.S.C. § 636(b)(1)(c); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). I conclude the R and R is correct.

Magistrate Judge Clarke's Report and Recommendation [#29] is adopted. The petition [#2] is denied and this action is dismissed. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. See 28 U.S.C. § 2253(2).

IT IS SO ORDERED.

DATED this 2nd day of December, 2010.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE